

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED
MAR 30 2023
M. J. [Signature]

UNITED STATES OF AMERICA, Plaintiff, vs. TED JEFFREY HURKES, Defendant.	1:23-CR-10004-CBK ORDER GRANTING CONTINUANCE
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Defendant filed a unopposed motion to continue trial, Doc. 20, and defendant's informed consent to continuance, Doc. 19. The motion states that the government, by and through AUSA Jeffrey C. Clapper, has no objections to the continuance. The defendant personally joins in the motion.

The Court finds that the ends of justice are served by continuing this trial which ends outweigh the best interests of the public and the defendant in a speedy trial. Despite the exercise of due diligence, defense counsel requires additional time to properly investigate this matter and prepare for trial. Based on the record herein,

IT IS ORDERED:

- (1) The unopposed motion to continue trial, Doc. 20, is granted.
- (2) All motions, other than motions in limine and motions for continuance, shall be filed and served on or before June 20, 2023. Opposing counsel shall respond thereto on or before June 27, 2023. All such motions

shall be heard by the Magistrate Judge at such time as set after consultation with counsel.

(3) The government and the defendant shall disclose to each other no later than twenty-one (21) calendar days before the start of trial the name of any person retained to testify as an expert witness in the case-in-chief and provide a written disclosure containing:

(a) a complete statement of all opinions that the party will elicit from the expert witness in the case-in-chief;

(b) the bases and reasons for them;

(c) the witness's qualifications, including a list of all publications authored in the previous 10 years; and

(d) a list of all other cases in which during the previous 4 years, the witness has testified as an expert at trial or by deposition.

(4) Any rebuttal expert to refute testimony from a disclosed expert shall be identified with the same written disclosure provided no later than seven (7) calendar days before trial.

(5) All motions for continuance will be considered by the Court when the defendant has filed a written consent to the continuance and the opposing party has filed a response.

(6) All motions in limine shall be filed at least ten (10) working days before trial.

(7) Counsel shall submit directly to the Court, the Clerk of Courts and to opposing counsel by no later than 9:00 a.m. on the Friday before trial a list of all witnesses and proposed exhibits with a copy of each exhibit showing the number of each exhibit as marked. Requests for subpoenas shall be filed no

later than fourteen (14) working days before trial. If jury selection takes place with the jury to return at a later date, the deadline shall be 9:00 p.m. on the Friday before jury selection.

(8) July 14, 2023, is hereby set as the deadline for submission to the Court and filing of any proposed plea agreements and the factual basis statement and motions to enter oral pleas.

(9) The jury trial is continued to Tuesday, August 1, 2023, at 10:30 a.m. in the Federal Courtroom of the U.S. Courthouse, 102 Fourth Avenue SE, Aberdeen, South Dakota.

(10) All proposed jury instructions shall be submitted to the Court not later than ten working days before trial. A copy of each proposed instruction showing source and authority notes shall be furnished to the Court and other counsel. The Court has assembled basic instructions used in all criminal cases defining duties of jurors, burden of proof, basic definitions and other matters. Therefore, the parties should only submit those instructions which are related to the specific matters in issue in this case.

(11) The period of delay resulting from such continuance is excluded in computing the time within which the trial of the offense must commence.

18 U.S.C. § 3161(h)(7)(A).

DATED this 24th day of March, 2023.

BY THE COURT:


CHARLES B. KORNMANN
United States District Judge